

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00379

**Kevin James Manning,**  
*Petitioner,*  
v.  
**Warden Enge et al.,**  
*Respondents.*

**O R D E R**

Petitioner Kevin James Manning, then an inmate of the Henderson County Jail proceeding pro se and *in forma pauperis*, filed this habeas action pursuant to 28 U.S.C § 2254. The case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b).

On January 16, 2025, the magistrate judge issued a report and recommendation that the habeas petition be denied and that this case be dismissed without prejudice for failure to exhaust state remedies. Doc. 37. A copy of the report was mailed to the petitioner. Doc. 38. He received it on March 19 and did not file written objections. Doc. 41.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the habeas petition is denied and this case dismissed without prejudice. A certificate of appeal is denied. Any pending motions are denied as moot.

*So ordered by the court on July 1, 2025.*

  
J. CAMPBELL BARKER  
United States District Judge